



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials  
Safety Administration**

APR 15 2005

400 Seventh Street, S.W.  
Washington, D.C. 20590

DOT-E 14097

EXPIRATION DATE: March 31, 2007

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: S.C. Johnson & Son, Incorporated  
Racine, WI
2. PURPOSE AND LIMITATION:
  - a. This exemption authorizes the transportation in commerce of certain non-DOT specification, non-refillable plastic aerosol containers filled with a Division 2.2 propellant gas and a non-hazardous material. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
  - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.306(a) in that a plastic non-DOT specification, non-refillable container is not authorized; § 173.306(a)(3)(v) in that each container is not subject to the hot water bath test.

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5. BASIS: This exemption is based on the application of S.C. Johnson & Son, Inc., dated December 17, 2004 and additional information dated February 8, and February 16, 2005 submitted in accordance with § 107.105 and the public proceeding thereon.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Hazardous Materials Description |                        |                       |               |
|---------------------------------|------------------------|-----------------------|---------------|
| Proper Shipping Name            | Hazard Class/ Division | Identification Number | Packing Group |
| Consumer commodity              | ORM-D                  | None                  | N/A           |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-DOT specification, non-refillable, plastic aerosol container. The container must be in accordance with the design requirements as described in S.C. Johnson's application for exemption and with S.C. Johnson confidential drawing on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA) and as prescribed below.

(1) Type and size - The total volumetric capacity of the container may not exceed 20 fluid ounces.

(2) Material - The container must be of Polyethylene terephthalate (PET), Polyethylene Napthalate (PEN), Polyamide (Nylon), or of a multilayer blend containing a combination of PET, PEN, Ethylene Vinyl Alcohol (EVOH), and Nylon.

(3) Manufacture - All containers must comply with British Standard BS 5597: 1991 Specification for Non-refillable Plastic Aerosol Dispensers up to 1000ml capacity.

(4) Manufacture - Each container must be manufactured by thermoplastic processes that will assure uniformity of the completed container. No used material other than production residues or regrind from the same manufacturing process may be used.

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b. TESTING -

(1) One completed container out of every lot produced must be pressure tested to destruction and may not burst below 230 psig. The tested container must be complete with the ends assembled. If the test container fails the burst test, the lot must be rejected; however, an additional five randomly selected containers may be burst tested to qualify that lot. If any of the additional test containers fail the burst test, that lot must be rejected.

(2) Each 3,000 containers or less, successively produced as a batch or part thereof, must constitute a lot. All containers constituting a lot must be of like material, size, design, construction, finish, and quality.

c. MARKING - Each plastic container must be marked "DOT-E 14097" as specified in § 172.301(c).d. OPERATIONAL CONTROLS -

(1) The container may not be liquid full at any temperature up to and including 130°F.

(2) The pressure in the container may not exceed 150 psig at 130°F.

(3) Filling verification tests performed on containers as filled for shipment. Each container must be heated until the pressure in the container is equivalent to the equilibrium pressure of the contents at 90°F. Any container showing evidence of leakage, distortion, or other defect must be rejected. In addition, one container per lot must be selected randomly. The container must be heated until the pressure in the container is equivalent to the equilibrium pressure of the contents at 130°F. If the pressure of the test container exceeds 150 psig or the test container shows evidence of leakage, distortion, or other defect, the lot must be rejected; however, an additional 5 randomly selected containers may be tested to qualify that lot. If any of the additional test containers fail the test, the entire lot must be rejected.

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(4) Each container must be packed in strong outside packagings as prescribed in § 173.306(a)(3)(iv), meeting the requirements of § 173.25.

(5) Packages shipped by aircraft must comply with the provisions in § 173.27.

(6) Each outside packaging must be marked "INSIDE CONTAINERS CONFORM WITH DOT-E 14097".

(7) Each package may not exceed 30 kilograms (66 pounds) gross weight.

8. SPECIAL PROVISIONS:

a. Test data obtained under paragraph 7.b. of this exemption, must be kept on file and be made available upon request by the OHMEA. Additionally, the following information must be submitted to OHMEA:

(1) Burst test results for the first 20 lots tested under paragraph 7.b. of this exemption.

(2) Lading temperature and pressure data for the first 20 lots to verify that the pressure in the container is equivalent to the equilibrium pressure of the contents at 130°F without evidence of leakage, distortion, or other defect and that the pressure in the container does not exceed 150 psig at 130°F as specified in paragraphs 7.d.(3) of this exemption.

b. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this exemption and the HMR.

c. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only, and passenger-carrying aircraft.

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10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each aircraft used to transport packages covered by this exemption. The shipper must furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
  - o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
  - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this

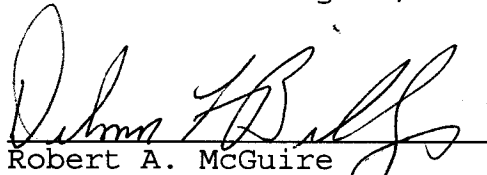
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exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.



for  
Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety

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DATE

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590.

Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: CWFreeman